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June 21, 2007

Via Federal Express Carol Tempesta, Esq. Marks, O'Neil, O'Brien, & Courtney P.C. 530 Saw Mill River Road Elmsford, NY 10523

Tim Fraser, Esq. Drinker, Biddle & Reath LLP 500 Campus Drive Florham Park, NJ 07932

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> Re: Holinka v. A.W. Chesterton Co. Index No. 114120-06



printed 6/19/07

Dear Counsel:

Please find enclosed responses to Defendant's Supplemental Set of Interrogatories and Document Requests. Feel free to contact me if you have any questions or concerns.

Very Truly Yours,

Benjamin Darche

215 South Monarch Street, Suite 202 Aspen, CO 81611 (970) 925-6101

210 Lake Drive East, Suite 101 Charry Hill, NJ 08002 (856) 755-1115

76 South Orange Avenue, Suite 201 South Orange, NJ 07079 (973) 761-8995

100 E. 15th Street, Suite 400 Fort Worth, Texas 76102 (817) 885-7815



SUPPLEMENTAL INTERROGATORIES

- 1. Identify all persons with knowledge of the manufacturer(s), brand name(s) or trade name(s) of the Bunsen burner pads that plaintiff allegedly used at the following sites, or that were supplied for use at the following sites during the time period in which plaintiff worked or studied at each site:
 - A. Booth Memorial Hospital
 - B. University of California, Berkley research laboratory where plaintiff worked from 1960 to 1962
 - C. University of California, Berkley laboratories where plaintiff too undergraduate courses
 - D. Hunter College;
 - University of California, Berkley research laboratory where plaintiff worked in 1964;
 - F. University of California, Berkley laboratory where plaintiff conducted his graduate research
 - G. State University of New York at Stony Brook;
 - H. Columbia University;
 - I. University of Southern California; and,
 - J. Mt. Sinai School of Medicine.

Answer: Upon information and belief, at the present time, other than the plaintiff himself, no one. If at any time this changes, we will notify defense counsel immediately.

2. Identify all person with knowledge of the manufacturer(s), brand names(s) or trade(s) name of the heat-resistant mittens that plaintiff allegedly used at the following sites, or that were supplied for use at the following during the time period in which plaintiff worked or studied at each site:

- A. Booth Memorial Hospital
- B. University of California, Berkley research laboratory where plaintiff worked from 1960 to 1962
- C. University of California, Berkley laboratories where plaintiff too undergraduate courses
- D. University of California, Berkley research laboratory where plaintiff worked in 1964;
- E. University of California, Berkley laboratory where plaintiff conducted his graduate research
- F. State University of New York at Stony Brook;
- G. Columbia University;
- H. University of Southern California; and,
- I. Mt. Sinai School of Medicine.

Answer: Upon information and belief, at the present time, other than the plaintiff himself, no one. If at any time this changes, we will notify defense counsel immediately.

- 3. Identify all persons with knowledge of the supplier(s) or distributor(s) of the Bunsen burner pads that plaintiff allegedly used at the following sites, or that were supplied for use at the following sites during the time period in which plaintiff worked or studied at each site:
 - A. Booth Memorial Hospital
 - B. University of California, Berkley research laboratory where plaintiff worked from 1960 to 1962
 - C. University of California, Berkley laboratories where plaintiff too undergraduate courses
 - D. Hunter College;
 - E. University of California, Berkley research laboratory where plaintiff worked in 1964;

- F. University of California, Berkley laboratory where plaintiff conducted his graduate research
- G. State University of New York at Stony Brook;
- H. Columbia University;
- I. University of Southern California; and,
- J. Mt. Sinai School of Medicine.

Answer: Upon information and belief, no one at this time. If at any time this changes, we will notify defense counsel immediately.

- 4. Identify all persons with knowledge of the supplier(s) or distributor(s) of the heat-resistant mittens that plaintiff allegedly used at the following sites, or that were supplied for use at the following sites during the time period in which plaintiff worked or studied at each site:
 - A. Booth Memorial Hospital
 - B. University of California, Berkley research laboratory where plaintiff worked from 1960 to 1962
 - C. University of California, Berkley laboratories where plaintiff too undergraduate courses
 - University of California, Berkley research laboratory where plaintiff worked in 1964;
 - E. University of California, Berkley laboratory where plaintiff conducted his graduate research
 - F. State University of New York at Stony Brook;
 - G. Columbia University;
 - H. University of Southern California; and,
 - I. Mt. Sinai School of Medicine.

Answer: Upon information and belief, no one at this time. If at any time this changes, we will notify defense counsel immediately.

SUPPLEMENTAL DOCUMENT REQUESTS

You are hereby requested to produce the following documents and things:

All written or recorded statements from any of the persons identified in 1. response to the above interrogatories.

Answer: None

- All documents that relate, refer or pertain to the identity of the 2. manufacturer(s), brand name(s) or trade name(s) of the Bunsen burner pads that plaintiff allegedly used at the following sites:
 - Booth Memorial Hospital A.
 - University of California, Berkley research laboratory where plaintiff B. worked from 1960 to 1962
 - University of California, Berkley laboratories where plaintiff too C. undergraduate courses
 - Hunter College; D.
 - University of California, Berkley research laboratory where plaintiff E. worked in 1964;
 - University of California, Berkley laboratory where plaintiff conducted F. his graduate research
 - State University of New York at Stony Brook; G.
 - Columbia University; H.
 - University of Southern California; and, I.
 - Mt. Sinai School of Medicine. J.

Answer: None

All documents that relate, refer or pertain to the identity of the 2. manufacturer(s), brand name(s) or trade name(s) of the heat-resistant mittens that plaintiff allegedly used at the following sites:

- Booth Memorial Hospital A.
- University of California, Berkley research laboratory where plaintiff B. worked from 1960 to 1962
- University of California, Berkley laboratories where plaintiff too C. undergraduate courses
- University of California, Berkley research laboratory where plaintiff D. worked in 1964;
- University of California, Berkley laboratory where plaintiff conducted E. his graduate research
- State University of New York at Stony Brook; F.
- Columbia University; G.
- University of Southern California; and, H.
- Mt. Sinai School of Medicine. I.

Answer: None

- All documents that relate, refer or pertain to the identity of the supplier(s) 4. or distributor(s) of the Bunsen burner pad that plaintiff allegedly used at the following sites:
 - Booth Memorial Hospital A.
 - University of California, Berkley research laboratory where plaintiff B. worked from 1960 to 1962
 - University of California, Berkley laboratories where plaintiff too C. undergraduate courses
 - Hunter College; D.
 - University of California, Berkley research laboratory where plaintiff E. worked in 1964;
 - University of California, Berkley laboratory where plaintiff conducted F. his graduate research
 - State University of New York at Stony Brook; G.
 - H. Columbia University;

- I. University of Southern California; and,
- J. Mt. Sinai School of Medicine

Answer: None

- 5. All documents that relate, refer or pertain to the identity of the supplier(s) or distributor(s) of the heat-resistant mittens that plaintiff allegedly used at the following sites:
 - A. Booth Memorial Hospital
 - B. University of California, Berkley research laboratory where plaintiff worked from 1960 to 1962
 - C. University of California, Berkley laboratories where plaintiff too undergraduate courses
 - D. University of California, Berkley research laboratory where plaintiff worked in 1964;
 - E. University of California, Berkley laboratory where plaintiff conducted his graduate research
 - F. State University of New York at Stony Brook;
 - G. Columbia University;
 - H. University of Southern California; and,
 - I. Mt. Sinai School of Medicine.

Answer: None

- 6. All Fischer Scientific catalogs in the possession of plaintiff or his attorneys.

 Answer: All catalogs possessed by plaintiff will be produced at plaintiff's office for defendants to copy at a mutually agreeable date and time.
- 7. All American Scientific catalogs in the possession of plaintiff or his attorneys.

 Answer: See answer 6.

8. All Van Waters & Rogers catalogs in the possession of plaintiff or his attorneys.

Answer: See answer 6.

9. All Cenco catalogs in the possession of plaintiff or his attorneys.

Answer: See answer 6.

10. All deposition or trial transcripts for any employee or former employee of Fisher Scientific.

Answer: Upon information and belief, any transcript in plaintiff's possession has been provided to us by defense counsel in the current case.

11. All deposition or trial transcripts for any employee or former employee of American Scientific.

Answer: Upon information and belief, none.

All deposition or trial transcripts for any employee or former employee of
 Van Water Rogers.

Answer: Upon information and belief, the only deposition in our possession at this time is that of Martin Taylor in which defendants were present.

All deposition or trial transcripts for any employee or former employee of
 Cenco.

Answer: Upon information and belief, the only deposition in our possession at this time is that of Martin Allen in which defendants were present.

14. All deposition or trial transcripts from matters involving claims of asbestos injury for any witness plaintiff intends to call as an expert witness in the case, including Dr. Jacqueline Moline.

Answer: In light of the numerous times Dr. Moline has testified, please see the attached transcript of Dr. Moline's trial testimony from the Robert Croteau case, which addresses the likely defenses to be raised in the current matter. In addition, if the defendants here intend to dispute Mr. Holinka's mesothelioma diagnosis, we will provide prior testimony transcripts of Dr. Strauchen.



Page 1

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SUPREME COURT

ALL COUNTIES WITHIN THE STATE OF NEW YORK



IN RE: NEW YORK CITY ASBESTOS LITIGATION

DEPOSITION UNDER ORAL EXAMINATION OF CHRISTIAN HOLINKA

This Document Applies To:

CHRISTIAN HOLINKA

INDEX NO.: 114120-06

PRIORITY ONE COURT REPORTING SERVICES, INC.

899 Manor Road

Staten Island, New York 10314

(718) 983-1234

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	Page 2			Page	4
1	2	1 2	DRINKER, BIDDLE & REATH, LLP		
2	Transcript of the deposition of the Plaintiff,		Attorneys for Defendant Baxter		
3	called for Oral Examination in the above-captioned	3	500 Campus Drive Florham Park, New Jersey 07932		
4	matter, said deposition being taken pursuant to	4	BY TIM FRASER, ESQ.		
5	Federal Rules of Civil Procedure by and before	5 6	HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP		
6	CHERYL F. BAREN, a Notary Public and Shorthand	_	Attorneys for Defendant Fisher Scientific		
7	Reporter, at the Offices of Weitz & Luxenberg, 180	7	40 Paterson Street P.O. Box 480		
8	Maiden Lane, New York, New York, on Monday, February	8	New Brunswick, New Jersey 08903 BY: KRISTY KULINA LYONS, ESQ.		
9	12, 2007, commencing at approximately 11:00 in the	9	B1. RASTI KULINA LI ONO, ESQ.		
10	forenoon.	10	ANDERSON, KILL & OLICK, P.C.		
11	!	11	Attorneys for Defendants		
12	!	12	Amchem and Certainteed 1251 Avenue of the Americas		
13			New York, New York 10020-1182		
14		13 14	BY CRAIG BLAU, ESQ.		
15		15	DRINKER, BIDDLE & REATH, LLP		
16	ł	16	Attorneys for Defendants VWR, Univer 500 Campus Drive		
17			Florham Park, New Jersey 07932		
18	•	17 18	BY: DAVID F. ABERNETHY, ESQ.		
19		19	MALABY, CARLISLE & BRADLEY, LLC		
20		20	Attorneys for Defendants Adience, CBS, and Kewannee Scientific		
21		21	150 Broadway New York, New York 10038		
22		21	BY: CORI LEAVITT, ESQ.		
23	+	22 23	KOO LEE, ESQ.		
24 25		24			
	Dago 3	25		Page	
	Page 3	_	_	ruge	_
1 2	APPEARANCES:	1 2	5 REED SMITH, LLP		
3	_		Attorneys for Defendant Manor Health Care		
4	WEITZ & LUXENBERG, P.C. Attorneys for Plaintiff	3	599 Lexington Avenue		
5	180 Maiden Lane, 17th Floor	4	New York, New York 10022 BY: GREG A. DADIKA, ESQ.		
_	New York, New York 10038	5			
6 7	BY: BENJAMIN DARCHE, ESQ.	6	McGIVNEY & KLUGER, P.C.		
8	PEHLIVANIAN, BRAATEN & PASCARELLA, LLC.	7	Attorneys for Defendant Beckman Coulter 80 Broad Street, 23rd Floor		
a	Attorneys for Defendant Ingersoll Rand Co. 2430 Route 34		New York, New York 10004		
,	Manasquan, New Jersey 08736	8	BY: LAURA HOLLMAN, ESQ.		
10	BY: KATE MCCLINTOCK, ESQ.	9 10	LAW OFFICES OF IAN R. GRODMAN, PC		
11 12	LEADER & BERKON, LLP		Attorneys for Defendant		
	Attorneys for DuPont	11	Rheem Manufacturing Co.		
13	630 Third Avenue, 17th Floor New York, New York 10017	12	515 Valley Street, Suite 107 Maplewood, New Jersey 07040		
14	BY: JUDITH A. JOSEPH JENKINS, ESQ.		BY: IAN R. GRODMAN, ESQ.		
15 16	DARGER & ERRANTE, LLP	13			
10	Attorneys for Defendant Lennox	14	* * *		
17	116 East 27th Street, 12th Floor	15			
18	New York, New York 10016 BY: CRAIG GLANTZ, ESQ.	16			
19		17 18			
20	WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP Attorneys for Defendant A.W. Chesterton	19			
21	150 East 42nd Street	20			
	New York, New York 10017	21			
22 23	BY: TODD DESIMONE, ESQ.	23			
24	ł	24			
25		25			

Page 6 1 TIS HEREBY STIPULATED AND AGREED by and between the attomeys for the respective parties thereto that 4 filing, sealing and certification of the within 5 Examination Before Trial be waived; that all 6 objections, except as to form, are received to the 5 transcript may be signed before any Notary Public with 10 the same force and effect as if signed before a Clerk 13 within examination may be utilized for all purposes at 2 provided by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that the 13 within examination may be utilized for all purposes at 2 provided by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that the 13 within examination may be utilized for all purposes at 2 provided by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that all 1 rights provided to all parties by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that all 1 rights provided to all parties by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that all 2 rights provided by all parties by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that all 2 rights provided to all parties by the CPLR. 1 TIS FURTHER STIPULATED AND AGREED that all 2 rights provided to all parties by the CPLR. 3 that not all 2 rights provided to all parties by the CPLR. 3 that not 2 rights are considered to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights provided to all parties by the CPLR. 3 rights and 1 rights and 1 rights and 1 rights				
2 Reporter cannot take everything down if we are talking 3 the atomeys for the respective parties hereto that 4 filing, sealing and certification of the within 5 Examination Before Trial be waived; that all 6 objections, eccept as to form, are reserved to the 7 time of trial. 8 IT ITS FURTHER STIPULATED AND AGREED that the 10 the same force and effect as if signed before a Clerk 10 or Judge of the Court. 11 IT IS FURTHER STIPULATED AND AGREED that the 12 within examination may be utilized for all purposes as 13 provided by the CPLR. 13 IT IS FURTHER STIPULATED AND AGREED that all 14 rights provided to all parties by the CPLR shall not 15 be deemed waived and the appropriate sections of the 16 CPLR shall be controlling with respect therein. 19 IT IS FURTHER STIPULATED AND AGREED that all 17 be deemed waived and the appropriate sections of the 18 CPLR shall be controlling with respect therein. 19 IT IS FURTHER STIPULATED AND AGREED by and 20 between the atomeys for the respective parties 19 IT IS FURTHER STIPULATED AND AGREED by and 20 between the atomeys for the respective parties 21 crimitable, without charge, to the attorney 22 representing the wissess testifying herein. 24 Christian Holinka 7 2 Christian Holinka 7 2 Christian Holinka 7 3 Christian Holinka 7 4 Page 7 2 Christian Holinka 7 5 Christian Holinka 7 6 CHRISTIAN HOLINKA, the 2 Plaintiff herein, after having first been duly 2 sworn by a Notary Public of the State of New 2 York, was examined and testified as follows: 3 THE WITNESS: Christian Holinka. 4 THE REPORTER: State your name for the 5 record, please. 5 THE WITNESS: Christian Holinka. 5 THE REPORTER: State your name for the 6 Q And any our please tell me your birthday. 5 A No. 6 Q And can you please tell me your birthday. 6 Q And can you please tell me your birthday. 7 A Yes. 8 Q And can you please tell me your birthday. 8 Q And can you please tell me your birthday. 9 Q Have you seen married? 10 Q And can you tell me who you were married? 11 Q And can you tell me who you were married? 12 Q And ca		Page 6		Page 8
3 on top of each other, okay? When I ask a question, 4 all my questions require responses. So, nodding your 5 Examination Before Trial be waived; that all 6 objections, except us to form, are reserved to the 9 transcript may be signed before any Notary Public with 10 or Judge of the Court. 11 or Judge of the Court. 12 TI IS FURTHER STIPULATED AND AGREED that the 13 within examination may be utilitzed for all purposes as 14 provided by the CPUR. 13 FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPUR shall not 19 TITS FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPUR shall not 19 TITS FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPUR shall not 19 TITS FURTHER STIPULATED AND AGREED by and 20 between the attomory for the respective parties 21 hereto that a copy of the Examination shall be 21 furnished, without charge, to the storney 22 representing the witness testifying herein. 24 CHRISTIAN HOLINKA, the 29 Plaintiff herein, after having first been duly 29 sworm by a Notary Public of the State of New 20 York, was examined and testified as follows: 21 TITE REPORTER: State your present home 22 address for the record, please. 21 TITE REPORTER: State your present home 22 address for the record, please. 21 TITE WITNESS: 299 West 12th Street, 22 Apartment 9-J, New York, New York N	1	6	1	Christian Holinka 8
4 all my questions require responses. So, nodding your bead the Court Reporter cannot take down, so you will objections, except as to form, are reserved to the 1 time of trial. 5 if its FURTHER STIPULATED AND AGREED that the 1 trianscript may be signed before any Notary Public with 1 or Judge of the Court. 12 If its FURTHER STIPULATED AND AGREED that the 1 writhin examination may be utilized for all purposes as 1 provided by the CPLR. 13 provided by the CPLR. 15 If IS FURTHER STIPULATED AND AGREED that all 1 rights provided to all parties by the CPLR shall not 1 be deemed waived and the appropriate sections of the 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided by the CPLR. 15 IT IS FURTHER STIPULATED AND AGREED that all 1 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided to all parties by the CPLR shall not 2 fragitus provided by the CPL	2	IT IS HEREBY STIPULATED AND AGREED by and between	2	Reporter cannot take everything down if we are talking
5 Examination Before Trial be waived, that all 6 objections, except as to form, are reserved to the 7 time of trial. 6 of objections, except as to form, are reserved to the 7 time of trial. 8 of TIS FURTHER STIPULATED AND AGREED that the 12 within examination may be utilized for all purposes as 12 or Judge of the Court. 11 or Judge of the Court. 12 or Judge of the Court. 13 or Judge of the Court. 14 or Judge of the Court. 15 or Judge of the Court. 16 rights provided by the CPLR. 16 or Judge of the Court. 17 is FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPLR. 18 or Judge of the Court. 19 or Judge of the Court. 19 or Judge of the Court. 20 or Phrase it so that you do understand my question. 21 answers. If you have a best recollection or a best 2 astimate, that is fine but we do not want you to 12 answers. If you have a best recollection or a best 2 to that you do understand my question. 21 and do not want you to guess with any of your 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to 2 astimate, that is fine but we do not want you to guess. We are just here to find out what you remember 15 today; do you understand that? 16 rights provided to all parties by the CPLR. 18 IT IS FURTHER STIPULATED AND AGREED by and 12 to 2	3	the attorneys for the respective parties hereto that	3	on top of each other, okay? When I ask a question,
6 objections, except as to form, are reserved to the 7 time of trial. 8 If ITS FURTHER STIPULATED AND AGREED that the 9 transcript may be signed before any Notary Public with 11 or Judge of the Court. 12 If ITS FURTHER STIPULATED AND AGREED that the 13 within examination may be utilized for all purposes as 14 provided by the CPLR. 15 IT IS FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPLR shall not 17 be deemed waived and the appropriate sections of the 18 CPLR shall be controlling with respect thereto. 19 IT IS FURTHER STIPULATED AND AGREED by and 20 between the attorneys for the respective puries 21 increase and and the appropriate sections of the 22 furnished, without charge, to the attorney 23 representing the witness testifying herein. 24 Page 7 2 Christian Holinka 7 2 CHRISTIAN HOLINKA, the 3 Plaintiff herein, after having first been duly 25 sworm by a Notary Public of the State of New 26 York, was examined and testified as follows: 27 THE WITNESS: Christian Holinka. 28 THE WITNESS: 299 West 12th Street, 28 Apartment 9-J, low York, New York 10014. 29 INFECT EXAMINATION 20 Hello, Mr. Holinka, My name is Cori 21 Leavitt and I am an attorney with the law firm of 22 Method, Mr. Holinka, My name is Cori 23 Leavitt and I am an attorney with the law firm of 24 Malaby, Carlisle and Braddey. I represent a few of 25 the defendants that have been sued in your lawsuit. 26 If Malaby, Carlisle and Braddey. I represent a few of 27 Malaby, Carlisle and Braddey. I represent a few of 28 Hello, Mr. Holinka, My name is Cori 29 Questions please it so that you do understand one of my 29 questions, please just let me know and It will up to 21 charlet, that if fine but we do not understand one of my 21 questions, please just let me know and the alpot un doundant and the above and we will be never to find out what you to to that, and if an any time you understand? 16 A Yes. 17 Christian Holinka, My name is Cori 28 A No. My middle name is Franz, Christian 299 West 12th Street, Apartment 9-J in	4	filing, seating and certification of the within	4	all my questions require responses. So, nodding your
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9 questions, please just let me know and I will try to 10 the same force and effect as if signed before a CPK 11 or Judge of the Cour. 12 IT IS FURTHER STIPULATED AND AGREED that the 13 within examination may be utilized for all purposes as 14 provided by the CPLR. 15 IT IS FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPLR shall not 17 be deemed waived and the appropriate sections of the 18 CPLR shall be controlling with respect thereto. 19 IT IS FURTHER STIPULATED AND AGREED by and 20 between the attorneys for the respective parties 21 hereto that a copy of the Examination shall be 21 hereto that a copy of the Examination shall be 22 furnished, without charge, to the automov 23 representing the witness testifying herein. 24 CHRISTIAN HOLINKA, the 29 Plaintiff herein, after having first been duly 4 sworm by a Notary Public of the State of New 27 York, was examined and testified as follows: 28 THE WITNESS: Christian Holinka. 29 THE REPORTER: State your present home 20 address for the record, please. 20 THE WITNESS: 299 West 12th Street, 21 Apartment 9-J, New York, New York 10014. 21 DIRECT EXAMINATION 22 Q Hello, Mr. Holinka. My name is Cori 23 Leavitt and I am an attorney with the law firm of 24 Malaby, Carlisle and Bradley. I represent a few of 25 the defendants that have been sued in your lawsuit. 29 I am going to be asking most of the 20 questions today. When I am done asking all of the 21 questions today. When I am done asking all of the 22 questions today. When I am done asking all of the 23 questions please test of that do not want you to usest recollection or a best 21 asswers. If you have a best recollection or a best 22 answers. If you have a best recollection or a best 23 astimate, that is fine but we do not want you to 24 astimate, that is fine but we do not want you to 25 estimate, that is fine but we do not want you to 26 to A Thank is fine but we do not want you to 27 and if at any time spect recollection or a best 28 just let me know and lew is of that the know	7	time of trial.	7	A Yes.
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24 rules at depositions. As a courtesy we should want 24 rived wen,	24	rules at depositions. As a courtesy we should wait	24	lived well,
25 until each person is done speaking because the Court 25 Q Did she use the same last name as you when		until each person is done speaking because the Court	25	

		Page 10			Page 12
1		Christian Holinka 10	1		Christian Holinka 12
2	you we	ere married?	2	Α	Yes. Herbert Kalke; K-A-L-K-E.
3	Α	Yes, she did.	3	Q	Is your father deceased?
4	Q	Is she presently alive?	4	À	Yes.
5	À	Yes.	5	Q	How old was your father when he died?
6	Q	And how did that marriage end?	6	À	In his early 30's.
7	À	Divorce.	7	Q	What did your father die from?
8	Q.	Does she still use the last name Holinka?	8	À	He was killed in the war.
9	À	No.	9	Q	World War II?
10	Q	What is her present last name?	10	À	Uh-huh.
11	À	V-E-T-H.	11	Q	You have to say yes.
12	Q	And when did you get divorced?	12	À	Sorry, yes.
13	À	1978.	13	Q	Was he a military man?
14	Q	Do you know where she lives presently?	14	A	He was drafted, not, not career.
15	À	Yes. In Hamburg in Germany.	15	Q	Prior to being drafted into the military,
16	Q	Did she ever live in the United States with	16	what di	id your father do for a living?
17	you?	· · · · · · · · · · · · · · · · · · ·	17	A	He was a business person. I know for when
18	Α	Yes.	18	may	I say something? I know very little about him
19	Q	When did she move back to Hamburg, Germany?	19	because	e my mother was not married to him.
20	A	In 19 late 1974, may have been early	20	Q	Do you know anything about your father's
21	' 75.		21	health?	
22	Q	Were you separated at that time?	22	Α	No.
23	Α	No, we lived together.	23	Q	Do you know if your father was a smoker?
24	Q	Is Hilka Veth in any way financially	24	Α	,
25	depend	ent upon you at this time?	25	Q	Did your father have any lung or breathing
		Page 11			Page 13
1		Christian Holinka 11	1		Christian Holinka 13
2	Α	No.	2	probler	
3	Q	Do you know how her health is now?	3	Α	I don't know.
4	Α	Good.	4	Q	How old were you when your father passed
5	Q	Was Hilka a smoker when you were married to	5	away?	
6	her?		6	Α	Five-years-old.
7	Α	Very briefly for perhaps half a year and	7	Q	Were there any other father figures in your
8	then sh		8	life?	
9	Q	When did you and Hilka get married?	9	A	No.
10	Α	In 1970.	10	Q	Is your mother living or deceased?
11	Q	Was Hilka your first and only marriage?	11	A	Deceased.
12	Α	Yes.	12	Q	And what was your mother's name?
13	Q	Do you know if Hilka has any lung or	13	A	Maria Holinka.
14		ng problems?	14	Q	How old was your mother when she passed
15	Α	No, no, she doesn't.	15	away?	Ningty five
16	Q	Do you know if let me rephrase that	16	A	Ninety-five.
17		ka ever been diagnosed with any type of cancer?	17	Q	And what did your mom die from?
18	A	No.	18	A	No specific cause. Old age I guess you
19	Q	Do you and Hilka have any children	19	might s	
20	togethe		20	Q	How was your mother's health?
21	Α	No.	21	A.	Excellent.
22	Q	Do you have any children?	22	Q	Was your mother a smoker?
23	A	No.	23	A	No.
24	, Q	Can you tell me the name of your father,	24	Q work?	What is it your mother did your mother
25	please.		123	work?	

1	Page 14		Page 16
1		1	Christian Holinka 16
2		2	
3	Q What did she do?	3	
4	A She worked as an administrator in a hotel.	4	· · · · · · · · · · · · · · · · · · ·
5	Q Was that hotel in Germany?	5	•
6	A Yes.	6	
7	Q Do you know what part of Germany?	7	<u> </u>
8	· · · · · · · · · · · · · · · · · · ·	8	*
9	administrator in hotels, she worked in perhaps two or	9	
10	three near Cologne, I don't remember the exact	10	apartment building?
11	<u> </u>	11	A It was a medium size building, about six
12	Q Did your mother have any lung or breathing	12	
13	problems?	13	Q How was the unit that you lived in heated?
14	A No.	14	
15	Q Can you give me the address of the first	15	very likely steam heating because that was the general
16	home you recall living in?	16	
17	A I can give you the street and the town.	17	Q Did you ever handle any coal with respect
18	Q Okay.	18	to the heating at this house?
19	A In fact, I know the number also. The	19	A I think so. I do not recall exactly.
20	street is One Erzberger Strasse.	20	Q What was the condition of the unit that you
21	Q Can you spell that?	21	
22	A E-R-Z-B-E-R-G-E-R, and then Strasse,	22	A It was very good, it was a new building
23	street.	23	when we moved in.
24	Q How old were you when you lived there?	24	Q Between age 7 and age 10 before you moved
25	A I was about 10 to 14.	25	to Olpe in West Germany, where did you live?
	Page 15		Page 17
1	Christian Holinka 15	1	Christian Holinka 17
2	Q Was that in Germany?	2	A Well, there was about a year prior to that
3	A It's in Germany.	3	also in Olpe. You ask me the first address I remember
4	Q Where in Germany?	4	
5	A In West Germany.		there, I don't remember the address.
		5	Q But it was in the same town?
6	Q Is there a specific town?	6	Q But it was in the same town? A It was in the same town.
7	Q Is there a specific town? A Yes, Olpe; O-L-P-E.	6 7	Q But it was in the same town?A It was in the same town.Q And who did you live with?
7 8	Q Is there a specific town?A Yes, Olpe; O-L-P-E.Q Was that during wartime that you lived	6 7 8	Q But it was in the same town?A It was in the same town.Q And who did you live with?A Also my aunt and my cousin.
7 8 9	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there?	6 7 8 9	 Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name?
7 8 9 10	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to	6 7 8 9	 Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name?
7 8 9 10 11	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually.	6 7 8 9 10	 Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name?
7 8 9 10 11 12	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately	6 7 8 9 10 11 12	 Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name?
7 8 9 10 11 12 13	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live?	6 7 8 9 10 11 12 13	 Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name?
7 8 9 10 11 12 13	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now	6 7 8 9 10 11 12 13 14	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name?
7 8 9 10 11 12 13 14 15	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide.	6 7 8 9 10 11 12 13 14 15	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her
7 8 9 10 11 12 13 14 15	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that?	6 7 8 9 10 11 12 13 14 15	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
7 8 9 10 11 12 13 14 15 16	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town.	6 7 8 9 10 11 12 13 14 15 16	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
7 8 9 10 11 12 13 14 15 16 17 18	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town. Q Yes, please.	6 7 8 9 10 11 12 13 14 15	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
7 8 9 10 11 12 13 14 15 16 17 18	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town. Q Yes, please. A B-A-D, new word, A-L-T-H-E-I-D-E.	6 7 8 9 10 11 12 13 14 15 16 17	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town. Q Yes, please. A B-A-D, new word, A-L-T-H-E-I-D-E. Q And that is now considered Poland?	6 7 8 9 10 11 12 13 14 15 16 17 18	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town. Q Yes, please. A B-A-D, new word, A-L-T-H-E-I-D-E. Q And that is now considered Poland? A It's now considered Poland, yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town. Q Yes, please. A B-A-D, new word, A-L-T-H-E-I-D-E. Q And that is now considered Poland? A It's now considered Poland, yes. Q And what was it considered when you lived	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R. Q And is Petra still alive? A Yes. Q And where does she presently live? A Cologne, Germany. Q Do you known her address? A I know the street.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q Is there a specific town? A Yes, Olpe; O-L-P-E. Q Was that during wartime that you lived there? A No, that was after the war. It was 1950 to '54. To '53 actually. Q From approximately 1937 to approximately 1950, where did you live? A Until I was 7-years-old in what's now Poland, Bad Altheide. Q Can you spell that? A I can give you the name of the town. Q Yes, please. A B-A-D, new word, A-L-T-H-E-I-D-E. Q And that is now considered Poland? A It's now considered Poland, yes. Q And what was it considered when you lived there?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q But it was in the same town? A It was in the same town. Q And who did you live with? A Also my aunt and my cousin. Q What was your aunt's full name? A First name is Erna; E-R-N-A, last name J-A-K-U-S-Z-I-T. Q And your cousin's name? A Her first name is Petra; P-E-T-R-A. Q Same last name? A No, she's married now, so she uses her married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.
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1	Page 18]	Page 20
1	Christian Holinka 18	1	Christian Holinka 20
2	A R-O-S-E-N-T-H-A-L, and then Strasse,	2	A Occasionally I did.
3	Street.	3	Q Would that be approximately once a week?
4	Q If at a later time you remember the	4	A Probably less, I don't recall exactly.
5	specific address on that street, can you please let	5	Q Can you tell me, because I've never had to
6	your attorney know and provide that information for	6	bring coal from one place to another, what is it that
7	us.	7	you would have to do; was there a wheelbarrow that
8	And what kind of residence did you live in	8	helped you or can you explain the process to me?
9	for that one year?	9	A No. You just had a little basket and you
10	A It was an older building. Also, well, I	10	put some of these coal, the best kind of light coal,
11	can't say apartment building because, you know, you	11	you put five or six or eight briquettes in there and
12	had 70 million refugees from the east. So, what	12	you took them upstairs.
13	happened is people were required to share a room with	13	Q In approximately 1953 where did you move
14	refugees from the east. So, it was really a private	14	
15	building of two parties that lived there permanently	15	A To a boarding school.
16	and we were quartered there if you want. The building	16	Q And what was the name of the boarding
17	I would say was built in about 1925, mid-20's.	17	school?
18	Q Were there any coal burning stoves at that	18	A I don't even think it had a name.
19	residence?	19	Q Where was it located?
20	A Yes.	20	A In Oldenburg; O-L-D-E-N-B-U-R-G. And I
21	Q Did you ever have to bring the coal from	21	you want the address?
22	somewhere into the residence for heating purposes?	22	Q Please.
23	A Well, usually from the basement, the	23	A Eferdemarkt; E-F-E-R-D-E-M-A-R-K-T, One.
24	cellar, yes.	24	Q Oldenburg is the town?
25	Q So, there was coal in the cellar of this	25	A Yes.
	Page 19		Page 21
1	Page 19 Christian Holinka 19	1	Christian Holinka 21
1 2	Christian Holinka 19 residence?	2	Christian Holinka 21 Q And is that also in West Germany?
	Christian Holinka 19 residence? A Yeah. And it was mainly what's called	2	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western
2 3 4	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal.	2 3 4	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany.
2 3 4 5	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me,	2 3 4 5	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with
2 3 4 5 6	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement?	2 3 4 5 6	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her?
2 3 4 5 6 7	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated.	2 3 4 5 6 7	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her? A No.
2 3 4 5 6 7 8	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated. Q And did you also have to bring the coal	2 3 4 5 6 7 8	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her? A No. Q Other than your aunt and your cousin Petra,
2 3 4 5 6 7 8 9	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated. Q And did you also have to bring the coal into the residence when you were living in what is	2 3 4 5 6 7 8 9	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her? A No. Q Other than your aunt and your cousin Petra, did you live with any other family members from up
2 3 4 5 6 7 8 9	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated. Q And did you also have to bring the coal into the residence when you were living in what is I am not going to be able to pronounce it so what	2 3 4 5 6 7 8 9	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her? A No. Q Other than your aunt and your cousin Petra, did you live with any other family members from up until age 14?
2 3 4 5 6 7 8 9 10	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated. Q And did you also have to bring the coal into the residence when you were living in what is — I am not going to be able to pronounce it — so what is now considered the Poland address that you gave us?	2 3 4 5 6 7 8 9 10	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, westem Germany. Q Did your Aunt Erna work when you lived with her? A No. Q Other than your aunt and your cousin Petra, did you live with any other family members from up until age 14? A No.
2 3 4 5 6 7 8 9 10 11	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated. Q And did you also have to bring the coal into the residence when you were living in what is I am not going to be able to pronounce it so what is now considered the Poland address that you gave us? A No.	2 3 4 5 6 7 8 9 10 11	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her? A No. Q Other than your aunt and your cousin Petra, did you live with any other family members from up until age 14? A No. Q For how long did you attend the boarding
2 3 4 5 6 7 8 9 10 11 12	Christian Holinka 19 residence? A Yeah. And it was mainly what's called briquette, this pressed coal, light brown coal. Q How often, if you can estimate for me, would you have to bring the coal from the basement? A Once a week, twice a week, estimated. Q And did you also have to bring the coal into the residence when you were living in what is I am not going to be able to pronounce it so what is now considered the Poland address that you gave us? A No. Q And who did you live with when you resided	2 3 4 5 6 7 8 9 10 11 12	Christian Holinka 21 Q And is that also in West Germany? A Yes. In the north of West Germany, western Germany. Q Did your Aunt Erna work when you lived with her? A No. Q Other than your aunt and your cousin Petra, did you live with any other family members from up until age 14? A No. Q For how long did you attend the boarding school?
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		Page 22	2	Page 24
		Christian Holinka 22		1 Christian Holinka 24
	2	A It was a very large building, partly office		2 them?
	3	building. Built, I would imagine, around 1910.		A I have the address, 10413 89th Avenue,
	4			4 Richmond Hill.
	5			Q Is that a single-family home?
	6		í	5 A It was a two-family home.
	7		1	Q Did you live with any cousins at that
	8			address?
	و			A No.
	10	•	10	
	11		1	
	12	- · · · · · · · · · · · · · · · · · · ·	1:	
	4	t in the same and some and you have:	12	2 sis any renorations ongoing winter you
	13		13	
	14	~,	14	
	15	· · · · · · · · · · · · · · · · · · ·	15	Q 100 mgm maro ambriotou milo but 1 just uo
	16	* * * * * * * * * * * * * * * * * * * *	16	the state of the s
	17		17	,
	18	gg., , ,	18	
	19	` `	119	the same and your arrows do to: a riving during
	20		20	the six week period that you lived there?
	21	, , , , , , , , , , , , , , , , , , , ,	21	A He worked at a grocery store.
	22	• • • • • • • • • • • • • • • • • • • •	22	Q Did your aunt work during that time?
	23	A Nineteen.	23	A No.
	24	Q Did you serve in the military at any time	24	Q Where did you live after that six week
	25	while in Germany?	25	period?
		Page 23		Page 25
	1	Christian Holinka 23	1	Christian Holinka 25
	2	A No.	2	
	3	Q Are you a citizen of the United States?	3	living place but I can give you the various stations.
	4	A Yes.	4	Q During what time period were you in the
i	5	Q When did you become a citizen?	5	Army?
	6	A I don't recall the exact year. I think it	6	A November '56 to July '59. May have been
	7	was 1966. I can validate this with my attorney.	7	August '59.
	8	Q Thank you.	8	Q Did you receive an honorable discharge?
	9	When you came to the United States in	9	A Yes.
	10	approximately 1956, can you tell me where you lived?	10	
	11	A No, definitely 1956, October 26th.	!	the Army, please.
	12	Q Where did you live?	12	A Yes. Fort Dix, New Jersey for basic
	13	A I briefly lived with my uncle and aunt in	13	, and the second se
	14	Queens.	14	<u> </u>
	15	Q Just to back up for a minute, how did you		Q During the eight weeks of basic training,
1	16		15	j 1
1		•	16	A Not to my knowledge.
I	17	A By applying for an immigration visa	17	Q Were you exposed to any type of chemicals
ı	18	sponsored by my relatives.	18	or fumes during the eight weeks of basic training?
ļ	19	Q How did you actually transport yourself to	19	A I don't know.
	20	the United States?	20	Q Were you exposed to any types of gas during
1	21	A Flying.	21	the eight weeks of basic training?
I	22	Q Are either your aunt or your uncle	22	A Not to my knowledge.
		presently alive?	23	Q What about radiation?
1	24	A No.	24	A Not to my knowledge, no.
1	25	O Do you know where in Queens you lived with	25	O After the eight weeks of bosis training

25

Do you know where in Queens you lived with

After the eight weeks of basic training,

	Page 26	Π	Page 28
١.		١.	•
1	Christian Holinka 26	1	
2	where were you stationed?	2	,
3	A Fort Sam, Houston, Texas.	3	Q Why would you have to use a Bunsen burner?
5	Q Is that Fort Sam?	5	A To heat media, to heat water. It's a
6	A Fort Sam.	6	ubiquitous thing, just like a gas stove in a kitchen. O Were you actually using the Bunsen burners
7	Q And for how long were you there? A Well, Brooks Army Medical Center is the	7	, , , , , , , , , , , , , , , , , , , ,
8	unit I was associated with.	8	burners?
9	Q For how long were you there?	9	A Both.
10	A About two months.	10	Q Now, you told us that there were pads on
11	Q Did you have a rank or a title at that	11	
12	time?	12	it about these pads that you believe
13	A Private. At the end I think I was promoted	13	MS. LEAVITT: Strike that.
14	to a PFC, Private First Class.	14	Q What was it about the work that you were
15	Q When you say "at the end, "are you saying	15	doing with the Bunsen burners that you believe caused
16	at the end of those two months?	16	you to be exposed to as bestos?
17	A Yeah. That was a specialty training.	17	A A part of the pad that you placed on a
18	program and I believe at the end or shortly thereafter	18	flame to uniformly distribute heat was known to
	I was promoted.	19	contain asbestos.
20	Q And what was the specialty that you were	20	Q Did you have to do any work with that pad?
21	training in?	21	A Well, you handled it. Certainly if it was
22	A Medical laboratory technician.	22	new, you put it on and if it became brittle and
23	Q Had you had any prior experience with	23	somewhat dusty, you disposed of it and put on another
	medical laboratories prior to this two month period?	24	one.
25	A No.	25	Now, I would like to emphasize that that
	Page 27		
			Dage 29
		_	Page 29
1	Christian Holinka 27	1	Christian Holinka 29
2	Christian Holinka 27 Q Were you exposed to asbestos during the two	2	Christian Holinka 29 was relatively minimal during training but later
2	Christian Holinka 27 Q Were you exposed to asbestos during the two month period at Fort Sam?	2 3	Christian Holinka 29 was relatively minimal during training but later during my work in the year I worked with it every day.
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	Page 30		Page 32
1	Christian Holinka 30	1	Christian Holinka 32
2	A By handling them.	2	Q So, did you spend the duration of your time
3	Q I want to make sure I understand. Do you	3	in the Army at the 98 General Hospital?
4	mean by handling the incubators or by handling the	4	A Yes.
5	bacterial cultures?	5	Q And what was your rank or title while you
6	A By handling the incubators.	6	were there?
7	Q Can you describe the size of the incubators	7	A Private First Class and in the end
8	that you are talking about?	8	specialist for Spec 4.
9	A They typically would be about 3 feet x 3	9	Q When did you become a specialist?
10	feet and perhaps 4 feet in depth but I cannot describe	10	A About I don't know the exact date. The
11	- · · · · · · · · · · · · · · · · · · ·	11	year about 1956, in the middle of my station at
12	Q What was it about handling the incubators	12	
13	that caused you exposure to asbestos?	13	Q You told us that you were at General
14	A Opening the doors, put in cultures, cell	14	Hospital from '57 to '59?
15	cultures, bacterial cultures inside, closing the	15	A Uh-huh.
16	doors. By the door, I should say.	16	Q Did you become a specialist while you were
17	Q Was there a particular part of the incubator that you believe contained asbestos?	18	at the hospital? A Yes.
18 19	A I don't know.	19	Q So, 1956 would not be accurate because you
20	Q So, why do you think that you were exposed	20	said you were there from '57 to '59.
21		21	A Oh, I'm sorry, sorry.
22	A To my knowledge incubators at a time	22	Q So, can you
23	contained as a component asbestos.	23	A I stand corrected. As I said in the middle
24	Q Do you know where on an incubator?	24	of my tenure at the 98 General Hospital, so it would
25	A I don't know the exact, no.	25	be 1958.
	Page 31		Page 33
1	Christian Holinka 31	1	Christian Holinka 33
2	Q Do you know for sure that the incubators	2	Q Can you tell me what type of work you did
3	that were at Fort Sam during that two month period	. 3	as a Private First Class from approximately July '57
4	contained asbestos?	4	to 1958?
5			
	A No.	5	A Yes. I worked in all branches of a
6		5 6	A Yes. I worked in all branches of a clinical medical laboratory including bacteriology,
6 7	A No. Q Do you know the manufacturer of the incubators at Fort Sam?	_	
	Q Do you know the manufacturer of the	6	clinical medical laboratory including bacteriology,
7	Q Do you know the manufacturer of the incubators at Fort Sam?	6 7	clinical medical laboratory including bacteriology, biochemistry and hematology. And I should say
7 8	Q Do you know the manufacturer of the incubators at Fort Sam?A No.	6 7 8	clinical medical laboratory including bacteriology, biochemistry and hematology. And I should say pathology also. MR. DARCHE: Could we take a two minute
7 8 9	Q Do you know the manufacturer of the incubators at Fort Sam? A No. Q Do you recall the names of any co-workers at Fort Sam? A No.	6 7 8 9 10	clinical medical laboratory including bacteriology, biochemistry and hematology. And I should say pathology also. MR. DARCHE: Could we take a two minute
7 8 9 10	Q Do you know the manufacturer of the incubators at Fort Sam? A No. Q Do you recall the names of any co-workers at Fort Sam? A No. Q Other than the Bunsen burners or the pads	6 7 8 9 10 11	clinical medical laboratory including bacteriology, biochemistry and hematology. And I should say pathology also. MR. DARCHE: Could we take a two minute
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	Page 34		Page 36
1	Christian Holinka 34	1	Christian Holinka 36
2	the General Hospital, were you exposed to asbestos in	2	Q And would the only reason you would have to
3	any way?	3	handle a Bunsen burner pad would be to dispose of it?
4	A Yes.	4	A To manually handle it, yes.
5	Q Can you tell me how you believe you were	5	Q Do you know the manufacturer of the Bunsen
6	exposed to asbestos while working as a Private First	6	burners that you worked with while working as a
7	Class at 98 General Hospital?	7	Private First Class at 98 General Hospital?
8	A Yes. Bunsen burner pads, mittens to shield	8	A No.
9	from heat. Whenever you had shield glass work, you	9	Q Do you know who supplied the Bunsen burners
10	put on those mittens and eventually with use because	10	to the hospital?
11	of the heat and otherwise they became brittle and to	11	A I don't.
12	my knowledge they contained asbestos as an insulator.	12	Q Do you know who manufactured the pads that
13	MS. LEAVITT: Can you read that back,	13	were on the Bunsen burners at General Hospital when
14	please.	14	you were a Private First Class?
15	(Whereupon, at this time, the requested	15	A I don't.
16	portion was read back by the reporter)	16	Q Do you know who supplied the pads?
17	Q Why do you believe you were exposed to	17	A I don't.
18	asbestos from the Bunsen burner pads?	18	Q Can you tell me why you believe you were
19	A You handled them regularly, you replaced	19	exposed to asbestos from mittens at 98 General
20	them. As they were exposed to heat, the center part	20	Hospital while working as a Private First Class?
21	decomposed, became brittle and you had to dispose of	21	A By frequently using them.
22	the pad and replace it with a new unit.	22	Q Did you have to use the mittens at any time
23	Q And earlier you told us that you worked in	23	other than when shielding from glass work? A No.
24	all branches of the clinical medical lab including biochemistry, hematology, pathology and some other	25	Q How often would you have to shield from
25		23	
	Page 35		Page 37
1	Christian Holinka 35	1	Christian Holinka 37
2	areas. Can you tell me when you were working with the	2	glass work?
3	Bunsen burner pads what type of work you were doing?	3	A Frequently, certainly daily.
4	A In chemistry you would make solutions, you	4	Q And would that take seconds, minutes or
5	would put them on the Bunsen burner pad to heat them	5 6	hours? A Minutes.
6	to dissolve your ingredients. In bacteriology you	7	Car Car
7	would make agar for bacterial cultures that needed to	8	Q Do you know who manufactured the mittens that you used while working as a Private First Class
8 9	be heated in. In histology you also made solutions that needed to be heated for the dye to dissolve.	9	at the hospital?
10	· · · · · · · · · · · · · · · · · · ·	10	A I don't.
11	Q About how much of your time was spent	11	Q Do you know who supplied the mittens to the
12	handling or disposing of Bunsen burner pads?		hospital?
13	MR. DARCHE: You can answer if you know.	13	A I don't.
14	A I don't know. It is so routine, I don't	14	Q Do you recall the name of any co-workers
15	want to elaborate too much, it is so routine that	15	that worked with you while you were a Private First
16	whenever you needed to replace it, you did so.	16	Class at the hospital?
17	Q How long did it take on average to replace	17	A I don't.
18	a Bunsen burner pad?	18	Q While working as a specialist starting in
19	A I don't know. It depends on its use. If	19	1958 until 1959, July or August of 1959, were you
20	it's used less frequent I'd say once a week,	20	exposed to asbestos in any way?
21	estimated. If it is used very frequent, probably more	21	A The work was exactly the same as
22	frequently.	22	previously, so if you want me to specifically answer
23	Q In order to dispose of a pad, would that	23	to the best of my knowledge, yes.
24	take seconds, minutes, hours?	24	Q Was there any difference between the work
25	A Seconds.	25	that you did as a specialist and the work that you did
• .	and the state of t		10 (Pages 34 to 37)

	Page 38		Page 40
1	Christian Holinka 38	1	Christian Holinka 40
2	as a Private First Class?	2	speak.
3	A No.	3	Q And what about with fumes that were not
4	Q The only difference was the title changed?	4	quite as strong?
5	A Yes.	5	A I work at the bench.
6	Q So, all of the questions that I just asked	6	Q Did you wear any type of mask or respirator
7	you about Bunsen burners, the Bunsen burner pads and	7	when you were working at the bench?
8	the mittens would all	8	A For bacterial cultures, certainly, yes.
9	MS. LEAVITT: Strike that.	9	Q What about for non-bacterial cultures?
10	Q Would all of your answers with respect to	10	A Generally no.
11	the Bunsen burners, the Bunsen burner pads and the	11	Q When others were working nearby with strong
12	mittens while you were working as a Private First	12	fumes such as acids, would you wear any type of mask
13	Class at 98 General Hospital apply to the time that	13	or respirator?
14	you also worked as a specialist?	14	A No.
15	A Yes, that's correct.	15	Q Other than acids what would you classify as
16	Q Do you recall the names of any co-workers	16 17	strong fumes? MR. DARCHE: Objection to the form.
1.7	that you worked with when you were a specialist?	18	You can answer.
18	A I don't. Q Did you work in one laboratory or was there	19	A Organic solvents, for example, alcohol or
19	more than one laboratory at General Hospital?	20	toluene, a whole number of.
20	A It was one laboratory consisting of	21	Q Were acids used by yourself on a daily
22	different divisions.	22	basis?
23	Q Were you in any particular division?	23	A No.
24	A Most of my work was in biochemistry, in	24	Q Were they used by others in the laboratory
25	and the state of t	25	on a daily basis?
	Page 39		Fage 41
1	Christian Holinka 39	1	Christian Holinka 41
2	Q Where was the laboratory located in the		
		2	· A No.
3	hospital?	3	Q How often, if you can estimate for me,
3 4	hospital? A One of the wings of the hospital.	3 4	Q How often, if you can estimate for me, would you use acids?
	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you	3 4 5	Q How often, if you can estimate for me,would you use acids?A Estimated once every two weeks.
4	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital?	3 4 5 6	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the
4 5 6 7	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge.	3 4 5 6 7	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids?
4 5 6 7 8	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. O Were you exposed to any chemicals and fumes	3 4 5 6 7 8	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same.
4 5 6 7 8 9	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital?	3 4 5 6 7 8	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic
4 5 6 7 8 9	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the	3 4 5 6 7 8 9	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents?
4 5 6 7 8 9 10	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question.	3 4 5 6 7 8	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly.
4 5 6 7 8 9 10 11	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer.	3 4 5 6 7 8 9 10	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please?
4 5 6 7 8 9 10 11 12	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for	3 4 5 6 7 8 9 10 11	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my
4 5 6 7 8 9 10 11 12 13	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the	3 4 5 6 7 8 9 10 11 12 13	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months.
4 5 6 7 8 9 10 11 12 13 14 15	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution.	3 4 5 6 7 8 9 10 11 12 13	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was
4 5 6 7 8 9 10 11 12 13 14 15 16	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes	3 4 5 6 7 8 9 10 11 12 13 14	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes.
4 5 6 7 8 9 10 11 12 13 14 15	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the
4 5 6 7 8 9 10 11 12 13 14 15 16 17	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals? MR. DARCHE: Objection. You can answer.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the acids?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals? MR. DARCHE: Objection. You can answer. THE WITNESS: I can answer?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the acids? A No.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals? MR. DARCHE: Objection. You can answer. THE WITNESS: I can answer? MR. DARCHE: Yes, you can answer.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the acids? A No. Q Do you know the manufacturer for any of the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals? MR. DARCHE: Objection. You can answer. THE WITNESS: I can answer? MR. DARCHE: Yes, you can answer. A Minimally because we were very careful.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the acids? A No. Q Do you know the manufacturer for any of the organic solvents?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals? MR. DARCHE: Objection. You can answer. THE WITNESS: I can answer? MR. DARCHE: Yes, you can answer. A Minimally because we were very careful. O And what types of precautions did you take?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the acids? A No. Q Do you know the manufacturer for any of the organic solvents? A No.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	hospital? A One of the wings of the hospital. Q Was there any ongoing renovation while you worked at the hospital? A Not to my knowledge. Q Were you exposed to any chemicals and fumes while working in the laboratory at the hospital? MR. DARCHE: I am going to object to the form of the question. But you can answer. A I used chemicals all the time for solutions, making solutions, making dyes with the necessary caution. Q Would you have inhaled any of the fumes from these chemicals? MR. DARCHE: Objection. You can answer. THE WITNESS: I can answer? MR. DARCHE: Yes, you can answer. A Minimally because we were very careful. Q And what types of precautions did you take?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q How often, if you can estimate for me, would you use acids? A Estimated once every two weeks. Q And how often would others in the laboratory use acids? A About the same. Q And how often would you use organic solvents? A Regularly. Q Can you define that, please? A In histology on a daily basis and my overall work in histology during that period was approximately eight months, six to eight months. Q And is that the same for your co-workers? A Yes. Q Do you know the manufacturer of any of the acids? A No. Q Do you know the manufacturer for any of the organic solvents? A No. Q Were you exposed to asbestos in any

		T	
	Page 42	2	Page 44
- 1	Christian Holinka 42	3	Christian Holinka 44
l l	Q Other than the Bunsen burner pads and the	2	Q What type of residence was this?
- 1	3 mittens that you have already told us about, were you	3	it is production.
- 1	4 exposed to asbestos in any other way while working at	4	Q Were you renting or did you own?
1	5 98 General Hospital?	5	A The top floor was rented out by students.
- 1	6 A I don't know. I understand there is	6	Q Were you one of the students on the top
- 1	7 equipment that may or may not have contained asbestos	7	floor?
1	8 but that was beyond my judgment.	8	A Yes.
	9 Q Where did you get this understanding that	9	Q Where were you a student at that time?
1(may may not have econ equipment with	10	or Camonia, Borkeley.
11	products.	11	visite more any rene rations on going at the
12	It was Bonorary andorstood, I could not	12	
13	B. 1 y o z a opositio, a spositio source.	13	
14	The desired the word	14	Q There die you have after the Carton Street
15	production that has sometice, prease.	15	
- 1	ine doubt among the somewhat products may	16	it falleds addresses in Delketey,
17	The state of the s	17	
15		18	Q Was that while you were still a student?
20	e word carrigate Bonng to reask the	19	A As a graduate student in physiology.
21	quality of the there any other ways that you conteve	20	Q Were you exposed to asbestos in any way
22		21	while residing at these various addresses?
23	•	22	A In working at the different laboratories
24	11 1 2011	24	MR. DARCHE: In your addresses where you lived.
25		25	
		23	Q At the residence.
	Page 43		Page 45
1		1	Christian Holinka 45
2		2	A No, no, not to my knowledge.
3	2 and for the more you have also you	3	Q Do you recall any renovations being done at
4		4	any of those various addresses?
5		5	A I don't recall.
6		6	Q Once you graduated where did you live?
7		7	A In part in Berkeley, for the most part in
8 9	, and a second s	8	Berkeley, California and for about a year in Europe,
1	Control of the contro	9	mainly in France.
10	A Yes. Q Were you exposed to asbestos in any way	10 11	Q When did you graduate from Berkeley?
12			A 1962.
13	private home?	12	Q Where did you live in Europe for that year?A Mostly in Paris.
14	A Not to my knowledge.	14	
15	Q Was there any ongoing renovations on that	15	Q Did you reside in a private residence, in a private home or in an apartment building?
16	home while you were there?	16	A It was an apartment building.
17	A No, not to my knowledge.	17	Q Do you recall the address?
18	Q After the three or four months, where did	18	A No.
19	you live?	19	Q Were you exposed to asbestos in any way
20	A In Berkeley, California.	20	while residing in the apartment building in Paris?
21	Q Do you remember a street address?	21	A Not to my knowledge.
22	A 2242 Carlton Street.	22	Q Was there any ongoing renovations while you
		23	
23	U And what years did you live at the Carlton 1	23	lived at the apartment building in Paris?
23 24	Q And what years did you live at the Carlton Street address?	24	lived at the apartment building in Paris? A No.
1			

Ì	Page 46	T	Page 48
1		1	Christian Holinka 48
2		2	Q Did you own 284 West 12th Street?
3		3	A No, I rented it.
4		4	Q Did you continue to reside at the West 12th
5		5	Street location until approximately 1977?
6	1 10, 0	6	A That's correct.
7	C	7	Q Were you exposed to asbestos in any way
8	•	8	while living at the West 12th Street location?
9	• •	9	A Not to my knowledge.
10		10	Q Did you do any renovations at the West 12th
11	•	11	Street location?
12		12	A No.
13	•	13	Q Were there any renovations done at the
14		14	building during the time that you lived there?
15	Q Did you live at those addresses in that	15	A No.
16		16	Q Did you ever do any work in the basement of
17	A Yes.	17	that building?
18	Q For how long did you live at the College	18	A No.
19	• • • • • • • • • • • • • • • • • • • •	19	Q Do you know what a riser is?
20	A About a year and a half.	20	A A riser?
21	Q And for how long did you live at the Blake	21	Q A riser, in an apartment building.
22		22	A No, I don't.
23	A Also about a year and a half to two years.	23	Q Are you familiar with piping that goes from
24	Q And how long did you reside at the Center	24	the ceiling to the floor?
25	Street location?	25	A Yes.
	Page 47		Page 49
ı	Christian Holinka 47	1	Christian Holinka 49
2	A Approximately two years.	2	Q And there is heat in it.
3	Q Were you working or attending school while	3	MR. DARCHE: I am going to just object to
4	living at these three addresses?	4	the form. The witness testified he does not know
5	A Both.	5	what it is.
6	Q Was this still for your graduate degree in	6	You can answer.
7	physiology?	7	Q Are you familiar with that, sir?
8	A Until 1966, yes.	8	A Well, sometimes you see it in public
9	Q Were you exposed to asbestos in any way		spaces, so I guess. But I did not have this in any of
1	while residing at the College Avenue, Blake Street		my apartments.
11		11	Q How was the West 12th Street apartment
1 .	A To the best of my knowledge, no.	12	heated?
12	Q Did you own or rent these residences?	13	A I believe steam heating, I'm not certain.
13		14	Q Did you live at the West 12th Street
13 14	A Rent.		
13 14 15	Q Were there any ongoing renovations while	15	location with your ex-wife?
13 14 15 16	Q Were there any ongoing renovations while you resided at these addresses?	16	A Yes.
13 14 15 16 17	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so.	16 17	A Yes. Q Where did you live after the West 12th
13 14 15 16 17 18	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street	16 17 18	A Yes. Q Where did you live after the West 12th Street location?
13 14 15 16 17 18 19	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street location where you lived?	16 17 18 19	A Yes. Q Where did you live after the West 12th Street location? A In Los Angeles.
13 14 15 16 17 18 19 20	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street location where you lived? A In New York.	16 17 18 19 20	Q Do you recall the address?
13 14 15 16 17 18 19 20 21	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street location where you lived? A In New York. Q Did you move to New York in approximately	16 17 18 19 20 21	Q Do you recall the address?A Yes. Hayworth Avenue, I do not recall the
13 14 15 16 17 18 19 20 21 22	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street location where you lived? A In New York. Q Did you move to New York in approximately 1971?	16 17 18 19 20 21 22	Q Do you recall the address? A Yes. Hayworth Avenue, I do not recall the number, in West Hollywood.
13 14 15 16 17 18 19 20 21 22 23	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street location where you lived? A In New York. Q Did you move to New York in approximately 1971? A Yes.	16 17 18 19 20 21 22 23	Q Do you recall the address? A Yes. Hayworth Avenue, I do not recall the number, in West Hollywood. Q Can you spell Hayworth?
13 14 15 16 17 18 19 20 21 22	Q Were there any ongoing renovations while you resided at these addresses? A I do not recall but I do not believe so. Q And can you tell me after the Center Street location where you lived? A In New York. Q Did you move to New York in approximately 1971?	16 17 18 19 20 21 22	Q Do you recall the address? A Yes. Hayworth Avenue, I do not recall the number, in West Hollywood.

		Page 50		Page 52
1		Christian Holinka 50	1	Christian Holinka 52
2	Α	From 1974 to 1977.	2	Q And did you do any renovations in Apartment
3	Q	Were you living in New York and Los Angeles	3	9-J since moving in in 1979?
4	-	nd forth at the same time?	4	A No.
5	Α	No.	5	Q Has the building undergone any renovations
6	Q	You had told us that you lived at the West	6	since 1979?
7		treet location from 1971 to 77?	7	A Yes.
8	Α	'74.	8	Q What type?
9	Q	Was the Hayworth Avenue residence a	9	A There was new electricity, television. I
10		family home?	10	do not recall exactly what cables were laid with
11	Ā	No, it was a small apartment building.	11	drilling that generated a lot of dust.
12	Q	Were you exposed to asbestos in any way	12	Q When was that done?
13	while l	iving at the Hayworth Avenue apartment?	13	A Approximately 12 years ago, I'm not exactly
14	Α	Not to my knowledge.	14	sure as to the year.
15	Q	Were there any ongoing renovations to your	15	Q Did they have to drill in your apartment at
16	apartm		16	all?
17	A	No.	17	A Yes.
18	Q	What about to the apartment building?	18	Q What were the walls made of in your
19	A	Not to my knowledge.	19	apartment, if you know?
20	Q	Did you ever do any work in the basement of	20	(All defendants object)
21	that bu	ilding?	21	A I don't know.
22	Α	No.	22	Q You continue to reside in Apartment 9-J?
23	Q	Did you live at that residence with your	23	A Yes.
24	wife?		24	Q Has anyone else lived with you during the
25	Α	No.	25	time that you lived at 299 West 12th Street?
		Page 51		Page 53
1		Christian Holinka 51	1	Christian Holinka .53
2	Q	Where did you live after the Hayworth	2	A Yes, a friend.
3	Avenue	e location?	3	Q Do they continue to live with you?
4	Α	In New York City.	4	A No.
5	Q	You moved back to New York in approximately	5	Q During what time period did your friend
6	1977?		6	live with you?
7	Α	In 1977, yes.	7	A 1982 to 2000.
8	Q	And do you recall where the residence that	8	Q Can you tell me the name of your friend?
9		ved back to, where that was?	9	A James Johnson.
10	Α	I do.	10	Q Are you okay, do you need a break?
11	Q	Okay.	11	A In a little while.
12	Α	299 West 12th Street, Apartment 8-A.	12	Q Because if you need a break, this would be
13	Q	Was that where you continued to reside?	13	a good time before I get into work exposure.
14	Α	The address, yes. The apartment, no. As	14	MR. DARCHE: Why don't we take like a half
15	of 1979	9 is 9-J.	15	hour, 45 minutes, just grab some lunch.
16	Q	You moved right down the block from where	16	(Whereupon, at 12:30 P.M., a lunch recess
17	you we		17	was taken)
18	Α	Yes. You know, New York.	18	(Back on the record at 1:00 P.M.)
19	Q	Did you do any renovations to Apartment	19	MR. DARCHE: We are going to stop, come
20	8-A?		20	back and finish up on another day.
21	Α	No.	21	(Whereupon, at 1:00 P.M., the
22	Q	Were there any renovations done in the	22	examination of this witness was concluded)
23	buildin	g from 1977 to 1979 when you lived in Apartment	23	
24	8-A?		24	
25	Α	Not to my knowledge.	25	

Γ			
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1 2	Christian Holinka 54	1 2	CERTIFICATE OF NOTARY 56
3	WITNESS CERTIFICATION	3	I, CHERYL F. BAREN, a Stenotype Shorthand
4		4	Reporter and Notary Public within and for the State of
5	I have read the foregoing transcript of my	5	New York, do hereby certify that the within
6	testimony and find it to be true and accurate to	6	Examination Before Trial of CHRISTIAN HOLINKA was held
7 8	the best of my knowledge and belief.	7	before me and I faithfully and impartially recorded
9		8	stenographically the questions, answers and colloquy.
10		10	I further certify that after said examination was
	CHRISTIAN HOLINKA	11	recorded stenographically by me, it was reduced to
11		12	typewriting under my supervision, and I hereby submit
12	Subscribed and swom to	13	that the within contents of said examination are true
13 14	before me on this day of, 2007.	14	and accurate to the best of my ability.
15	, 2007.	15	
16		16	I further certify that I am not a relative of nor
17		17 18	an attorney for any of the parties connected with the aforesaid examination, nor otherwise interested in the
	NOTARY PUBLIC	19	testimony of the witness.
18 19		20	testinos, como como como como como como como com
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21			
22		22	CHERYL F. BAREN
23		23	
24 25		25	
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